

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/693,135 10/20/00 SILVERBROOK

K MJT21US

024011

MM91/1004

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
2041 BALMAIN
AUSTRALIA

EXAMINER

AIR MAIL

TRAN. L

ART UNIT

PAPER NUMBER

2853

DATE MAILED:

10/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/693,135	SILVERBROOK, KIA
	Examiner	Art Unit
	Ly T TRAN	2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

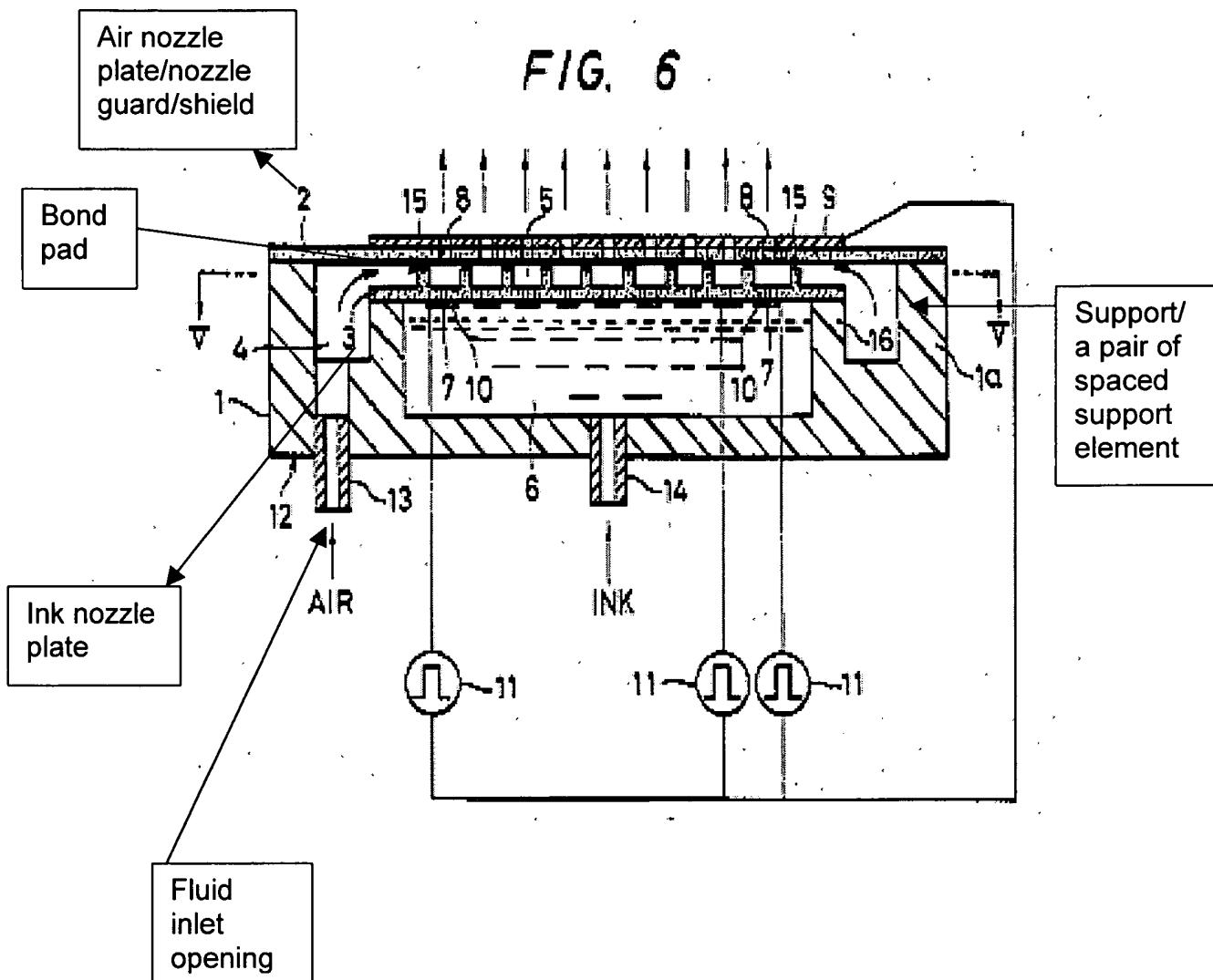
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4-10 and 12 –16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ada et al. (USPN 4,736,212).

With respect to claims 1-2 and 9-10, Oda et al. discloses an ink jet print head including a nozzle guard to inhibit damaging contact with the exterior of the array of nozzles a shield covering the exterior of the nozzle (Fig. 6: element 2).

With respect to claims 4, 7-8,12 and 15-16, Oda et al. discloses the nozzle guard includes a fluid inlet openings for directing fluid through the passage, inhibit the build up of foreign particles on the nozzle array; fluid inlet openings are arranged in the support element remote from a bobbd pad of the nozzle array (Fig. 6).

With respect to claims 5 –6 and 13-14, Oda et al. discloses that the nozzle guard has a support means for supporting the nozzle shield on the printhead and support means is integrally formed with the shield, the support means including a pair of spaced support element, one being arranged at each end of the nozzle shield (Fig. 6).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2853

2. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda et al (USPN 4,736,212) in view of McClelland et al. (USPN 6,227,660) and Takeuchi et al. (USPN 5,184,344).

Oda et al. fails to teach the shield is formed from silicon (Column 2: line 24-27).

However, McClelland et al. teaches the printhead is made of silicon and Takeuchi et al. teaches layer (17) and substrate (11) have the same coefficient bonding together (Column 13: line 47-54).

It would have been obvious to one having skill in the art to have the shield formed of silicon as taught by Takeuchi et al. The motivation of doing so in order to protect from separation from the substrate, buckling or warpage, or deformation due to the thermal stresses.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanehisa (JP 406134986) discloses a guard plate covering the orifice plate to prevent the damage of the orifice plate cause by contact between the orifice plate and recording paper and the like.

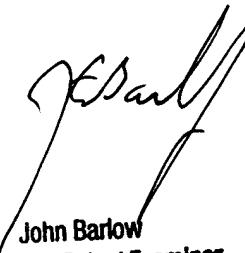
Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ly T. Tran whose telephone number is (703)-308-0752. The examiner can normally be reached on Monday-Friday (7:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703) 308-3126. The fax numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquire of a nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LTT

September 26, 2001



John Barlow
Supervisory Patent Examiner
Technology Center 2800